

DIVISION 1

TOWN MEETINGS ENACTMENTS

PART I

ADMINISTRATIVE LEGISLATION

SPECIAL NOTE

All references in chapter histories to the General Bylaws are in relation to the compilation of bylaws of the Town of North Andover adopted 4-23-79 Annual Town Meeting, Art. 13.

(This Revision Updates all Town Meeting Actions through 5-13-96)

Code of the Town of North Andover

CHAPTER 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Town of North Andover as Ch. 1 of the General Bylaws. Amendments noted where applicable.]

Chapter 1-1 **Adoption Date**

The bylaws contained herein shall be in force and effect on and after May 29, 1979.

Chapter 1-2 **Repealer**

A. All bylaws or parts of bylaws heretofore adopted which are inconsistent with the provisions of these bylaws are hereby repealed and annulled, but the provisions of the foregoing bylaws so far as they are the same as the provisions of bylaws heretofore adopted shall be construed as a continuation thereof and not as new enactments.

B. The repeal of a bylaw heretofore adopted shall not affect any act done, ratified or confirmed to any right accrued or established or any action, suit or proceeding commenced or had in civil case, nor affect any punishment, penalty or forfeiture incurred under such bylaw.

Chapter 1-3 **Amendments**

These bylaws may be amended or repealed at any Town Meeting provided that an Article or Articles for that purpose have been inserted in the warrant of said meeting.

Chapter 1-4 **Severability**

If any provision of these bylaws shall be held invalid, the remainder shall not be affected thereby.

Chapter 1-5 **Violations and Penalties**

Any person violating any bylaws or regulation of the town shall, in cases not otherwise provided for, be punished therefor by a fine of fifty dollars (\$50) for each such offense.

Chapter 1-6 **Noncriminal Disposition of Violations**

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Violations of any provisions of these bylaws or rules and regulations of any town department or board may be handled as a noncriminal offense in accordance with the provisions of Massachusetts General Laws C.40, Sec. 21D.

Chapter 3

ACCOUNTANT, TOWN

[HISTORY: Adopted by the Town of North Andover as Chapter 4, §4.8 of the General Bylaws. Amendments noted where applicable.]

Chapter 3-1

Duties

It shall be the duty of the Town Accountant to inspect all bills presented against the town; to see that they have the approval of the officer, board or committee contracting the same, and are in proper form; to indicate the account to which they are chargeable; and, if there are funds, to transmit said bill with his certificate to the Town Manager, who shall draw his warrant on the Town Treasurer authorizing payment boards, and committees receiving and expending money; to investigate the conditions of all funds and trust funds held for the benefit of the town. He shall verify the amount of funds in the hands of the town officers, boards and by personal applications at banks of deposit, shall ascertain the amounts held therein to the credit of the town. He shall report to the town in detail under each department all receipts and expenditures by the town for the previous financial year.

Chapter 7

CIVIC HOLIDAY CELEBRATION COMMITTEE

[HISTORY: Adopted by the Town of North Andover as Ch. 3, Sec.3.11 of the General Bylaws. Amendments noted where applicable.]

Chapter 7-1 **Annual Appointment; Membership**

The Selectmen shall annually appoint a Committee of nine (9) voters of the town, to be known as the “Civic Holiday Celebration Committee,” each of whom shall hold office for the term of one (1) year, or until his successor shall have been duly appointed and qualified. The unexpired term of any member of said Committee shall be filled by the Selectmen.

Chapter 7-2 **Responsibility**

Said Committee shall expend all or part of such funds as the town may appropriate therefor for the public observance and celebration of the Fourth of July and of such other legal holidays or days of historic interest to the town, as the Selectmen may from time to time designate.

Chapter 11

COUNCIL ON THE AGING

[HISTORY: Adopted by the Town of North Andover as Ch. 3, Sec. 3.4 of the General Bylaws; amended 4-27-85 Annual Town Meeting, Art. 58 Subsequent amendments noted where applicable.]

Chapter 11-1

Establishment

There is hereby established a local Council on Aging, consisting of eleven (11) voting members. Council members shall be appointed by the Selectmen for interested and representative groups in the community upon consideration of recommendation by the existing Council.

Chapter 11-2

Duties

The Council shall be responsible to the Selectmen, and its members shall serve without compensation and within the limits of available funds it may appoint such employees as it may require. It shall be the duty of the Council to oversee the operation of the senior center and to carry out programs and services designed to meet the needs of the elderly in coordination with appropriate local, state and federal agencies.

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Chapter 13

COUNSEL, TOWN

[HISTORY: Adopted by the Town of North Andover as Ch 3, Sec 3.7 of the General Bylaws; Amended 4-25-81 Annual Town Meeting, Art 32, 4-28-84 Annual Town Meeting, Art. 87. Subsequent amendments noted where applicable.]

Chapter 13-1

Appointment; Compensation; Vacancies

The Board of Selectmen shall annually in June appoint and, subject to appropriation therefor, fix the compensation of an attorney-at-law who shall be a member in good standing of the bar of the commonwealth, to serve as Town Counsel at the pleasure of the appointing committee. The Board of Selectmen shall likewise fill any vacancy in said office for the unexpired term thereof. The Selectmen may employ special counsel whenever, in their judgment, the necessity thereof arises.

Chapter 13-2

Duties and Responsibilities

The Town Counsel shall, subject to the direction of the Selectmen, conduct the prosecution, defense or compromise of legal proceedings to which the town is a party and the prosecution or defense, as the case may be, of legal proceedings by or against any town officer, board or committee. He shall prepare legal instruments to which the town is a party or in which any right or interest is involved, shall advise any town officer, board or committee upon legal matters and proceedings affecting the performance of his or its official duties, and shall perform such other duties as may be imposed upon him by these bylaws or vote of the town, and as further set forth in a memorandum of agreement to be established by the Board of Selectmen with the advice of the appointing committee.

Chapter 17

FINANCE

[HISTORY: Adopted by the Town of North Andover as Ch. 4 of General Bylaws. Amendments noted where applicable.]

Chapter 17-1 **Financial Year**

The financial year of the town shall begin with the first day of July and end with the 30th day of the following June.

Chapter 17-2 **Warrant for Payments**

No money shall be paid from the Town Treasury, except the state and county taxes and bank discount, without a warrant therefor signed by the Selectmen.

Chapter 17-3 **Promissory Notes**

All promissory notes of the town shall be signed by the Treasurer and countersigned by the Selectmen.

Chapter 17-4 **Financial Reports**

All town officers, boards, and committees, who in any way receive or expend money belonging to the town shall keep a record of their official acts, and an account of their receipts and expenditures; they shall make an annual report to the town in season to be audited and incorporated into the annual town report.

Chapter 17-5 **Deposit of Receipts**

All town officers, boards and committees, who shall receive money in behalf of the town, shall pay to the Treasurer, monthly and oftener if so required by the Selectmen, all money so received. All other persons who shall have in their possession money belonging to the town shall pay the same forthwith to the Town Treasurer.

Chapter 17-6 **Surety Bond Retirement**

The Collector or other official with the duty of collecting and receiving money due to the town shall give a bond in a penal sum and with sureties approved by the Board of Selectmen.

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Chapter 17-7

Conflict of Interest

No officer, board or committee of the town shall have any pecuniary interest, either direct or indirect, personally or through another person, in any loan, contract or employment of any sort made, by, with or for that department to which his or its duties pertain. All contracts or employment made in violation of the bylaw shall be void as to the town, and no bills therefor shall be approved, audited or paid.

Chapter 17-8

Water/Sewer Bills

[Adopted: ATM 5-7-90, Art. 22]

Water/sewer bills will be issued on a quarterly basis and are due and payable on or before thirty (30) days from the billing date (date of postmark). Any unpaid bills Will be reflected as arrears on the following bill cycle, with interest. Any payments received will be applied to the arrears portion first with the balance being applied to the current bill. A penalty of 14% interest per annum on the current water bill will be applied to any payments received after that due date. The interest is calculated retroactive to the billing date. All bills outstanding for the quarter ended June 30th will be removed from the accounts receivable for water and sewer and applied for collection as part of the property tax, in accordance with M.G.L. Ch. 40, Section 42A and 42D.

Chapter 20

GAS INSPECTOR

[HISTORY: Adopted by the Town of North Andover as Chapter 3, §3.9 of the General Bylaws. Amendments noted where applicable.]

Chapter 20-1

Fee Schedule to be Fixed

[Amended: ATM 4-27-85, Art. 55]

The Selectmen shall fix and shall, from time to time by their order, amend a schedule of fees to be charged for gas inspections.

Chapter 22

GREATER LAWRENCE SANITARY DISTRICT REPRESENTATIVE

[HISTORY: Adopted by the Town of North Andover as Chapter 3, §3.8 of the General Bylaws. Amendments noted where applicable.]

Chapter 22-1

Authority to Appoint Certain Members

The Selectmen shall have the power and authority to appoint, by majority vote, one (1) member of the Board of Directors of the Greater Lawrence Sanitary District, established by Chapter 750 of the Acts of 1968.

PERSONNEL

Chapter 41

PERSONNEL

[The North Andover Personnel Bylaw is amended from time to time by Town Meeting vote. The up-to-date Personnel Bylaw is on file in the office of the Town Clerk.]

Chapter 48

SEAL, OFFICIAL

[HISTORY: Adopted by the Town of North Andover as Chapter 8, §8.1 of the General Bylaws. Amendments noted where applicable.]

Chapter 48-1

Description

The following shall be the device of the official Town Seal. In the center of a double circle, view of a portion of Lake Cochichewick, showing an Indian in a canoe upon its surface, with the words “Lake Cochichewick” appearing below the canoe, and with the words, “settled 1646” appearing at the top of the circumference of the inner circle, and the words “Incorporated April 7, 1855” appearing at the bottom; in the space between the inner and outer circle appear the words “Town of North Andover” at the top of the Seal and the word “Massachusetts” at its bottom.

CHAPTER 59

TOWN MEETINGS

[HISTORY: Adopted by the Town of North Andover as Chapter 2 of the General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Charter Provisions - See Charter Chapter 2

Chapter 59-1 **Adjournment**

When a Town Meeting shall be adjourned to a time certain that is more than fourteen (14) days from the time of adjournment, the Town Clerk shall cause notice of the time and place of such adjourned meeting to be duly posted in three (3) or more public places in each precinct in the town two (2) days at least before the time of holding said adjourned meeting, which notice shall also briefly state the business to come before such meeting.

Chapter 59-2 **Quorum**

There is no quorum requirement for Annual or Special Town Meetings.

[Amended: ATM 5-3-1999, Art. 14]

Chapter 59-3 **Reconsideration Vote**

Unless the Moderator shall otherwise rule, for reasons which he shall state to the meeting, no second motion for the reconsideration of any action taken by any Town Meeting shall be entertained during that meeting or any adjourned session thereof.

Chapter 59-4 **Secret Ballots**

Upon motion duly made and seconded, at any Annual or Special Town Meeting, and upon the affirmative vote of at least twenty-five percent (25%) of the voters present at said Annual or Special Town Meeting, any Article in the warrant for said Annual or Special Town Meeting shall be voted upon by Australian (secret) ballot.

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Chapter 59-5

Reconsideration of Articles

[Added: ATM 5-2-88, Art. 44]

A. The sponsor of any Article requiring the raising and/or appropriation of town funds shall provide to the Town Manager and to the Finance Committee the following information:

- 1.** Total estimated dollar cost of the Article including:
 - a.** Start-up costs.
 - b.** Reoccurring annual costs, including any increase in personnel and/or equipment purchases.
 - c.** Source of estimate.
- 2.** Estimate of any possible revenues the project might generate.
- 3.** Proposed source and/or mechanism for funding.
- 4.** Reason(s) for the request, including but not limited to need.
- 5.** Population group most likely to benefit or be affected by the project.
- 6.** Possible alternatives to the requested proposal.
- 7.** Schedule or time frame for completion of the project.
- 8.** Any motions that would be introduced to support the Article as submitted.

B. This information shall be provided within two (2) days after the final fixed date for receiving Articles into the warrant for the Annual or any Special Town Meetings.

Chapter 59-6

Annual Town Meeting

[Amended: ATM 5-2-94, Art. 17]

Annual Town Meeting shall be held on the first Monday in May at 7:00PM.

Chapter 61

TOWN PROPERTY, SALE OF

[HISTORY: Adopted of the Town of North Andover as Ch. 5, Sec. 5.7 of the General Bylaws. Amendments noted where applicable.]

Chapter 61-1

Authority

Any board or officer in charge of any department of the town may, with the approval of the Selectmen, sell or otherwise dispose of any personal property of the town within its possession or control which has become obsolete or which is no longer required for use of such department, provided that the records of the Selectmen shall contain full information concerning the request of such department head for authority to dispose of such property, and their reasons for approving such request.

PART II

GENERAL LEGISLATION

Chapter 69

ALARM SYSTEMS

[HISTORY: Adopted by the Town of North Andover; Art I: 4-23-83, Annual Town Meeting, Article 35; Art II: 10-27-83 Special Town Meeting, Article 5. Amendments noted where applicable.]

ARTICLE I

Fire Detection and Alarm Systems

[Adopted: ATM 4-23-83, Article 35]

Chapter 69-1

Purpose and Scope

[Amended: ATM 5-6-92, Article 35]

This Bylaw shall apply to the installation, operation and maintenance of fire and medical aid alarm systems. Fire and medical aid systems shall include systems connected to the Fire Department by the municipal fire alarm circuit, direct wire, or a telephone dial up basis and systems which use exterior signals at the alarm location as a function of the connected system.

By definition, “Alarm Systems” are those installed for the purpose of notification to the proper response authority of an emergency situation at a property where the component devices of the system are installed.

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Chapter 69-2

Alarm Installation and Permit Requirements

[Amended: ATM 5-6-92, Art. 35]

A. As of the effective date of this Bylaw, no alarm system or equipment designed to summon the Fire Department shall be installed without a permit signed by the Fire Chief or his designee. Existing alarm systems must obtain permit within three (3) months of the effective date of this Bylaw. The Fire Chief shall prescribe an application form for implementation of this Bylaw. The fee for this alarm permit shall be ten dollars (\$10). The Fire Department shall be called to inspect the installation after its completion, for which inspection there will be a fee of fifteen dollars (\$15).

Changes in the permit or inspection fees may be made with sixty (60) days notice to the general public and with the approval of the Board of Selectmen.

B. Any current or future alarm user may contract with an alarm company of their choice for the purchase, lease, installation and servicing of an alarm system on their premises.

C. Telephone dialers using voice-type tape recorders must be compatible with the alarm receiving devices at the Fire Department. Equipment as described shall use the emergency Fire Department telephone number designated for that purpose.

D. Actual connection to the Fire Department's alarm system will be made only by an installer approved by the Fire Chief for this service.

E. The alarm system owner or user, or the alarm company contracting for the servicing of the alarm users system, shall be responsible for obtaining any necessary leased lines or municipal cable between the protected location and the Fire Department Alarm receiving equipment.

F. The Fire Department will make every effort to insure the proper operation of its alarm receiving equipment, but accepts no liability for conditions which prevent proper reception of signals from the user's premises.

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Chapter 69-3

Alarm Disconnection and Alteration Notice

[Amended: ATM 5-6-92, Art. 35]

Whenever an alarm system or equipment is disconnected, removed or altered, the owner or user thereof shall notify the Fire Department in writing. This shall be done in accordance with the Mass. Building Code Section 1200.3 Maintenance and M.G.L. Chapter 148, Section 27A and Section 28.

Chapter 69-4

Automatic Shut Off Requirement

[Amended: ATM 5-6-92, Art. 35]

All alarm systems installed after the effective date of this Bylaw which use an electric audible alarm device(s), shall be equipped with a timing unit which silences the exterior audible device no less than five (5) minutes and no more than ten (10) minutes after the activation of the alarm system.

All existing alarms using an exterior audible alarm device should be equipped with such a device within twelve (12) months after the effective date of this Bylaw.

This section shall not apply to audible sprinkler alarm bells either mechanical or electrical which are utilized to indicate a water flow.

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Chapter 69-5

Alarm System Regulations and Maintenance

[Amended: ATM 5-6-92, Art. 35]

A. Each alarm user shall submit to the Fire Chief the names, addresses and telephone numbers of at least two (2) persons who can be reached at any time, day or night, and are authorized to gain access to the protected premises for the purpose of silencing and resetting the alarm system. It shall be the alarm users responsibility to keep this information up to date. In addition, each control panel shall have located inside the door, the above mentioned information, as well as the name, address and twenty-four (24) hour telephone number of the company or individual who currently services the system.

B. Written instructions for re-setting the alarm system shall be clearly visible on, or adjacent to, the system control panel. Once activated, the system shall not be reset prior to the arrival of the Fire Department. Any attempt to reset a system connected directly to the Fire Department shall be considered a violation of M.G.L. , Section 32 of Chapter 268, (Tampering with a fire alarm signal).

If after three (3) attempts by the Fire Department, a zone or system will not reset, the zone, or system, shall be left in an un-restored condition. The Fire Department will attempt to notify the responsible parties identified in Section 69-5(a) of this Bylaw. The Town assumes no liability for inability to contact listed persons or companies. The Fire Chief or his designee may assign a paid detail to monitor the premises until such responsible parties arrive at the protected location. The cost of that detail and any equipment associated with it shall be born by the owner, purchaser, lessee or renter of the system.

C. All premises shall have their legal street number clearly visible as per existing Town Bylaw prior to connection of any alarm to the Fire Department.

D. All premises requiring a secured key access box as per Town Bylaw, Section 68-1.1 shall have the device installed prior to issuance of a fire alarm permit.

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Chapter 69-6

Alarm Tests

[Amended: ATM 5-6-92, Art. 35]

No alarm system designed to transmit emergency messages or signals directly to the Fire Department shall be worked on, tested or demonstrated without first obtaining permission from the Fire Chief or his designee. An alarm transmitted when such work is performed without permission will constitute a false alarm and subject to the fee assessment as shown in Section 7.0.

Chapter 69-7

False Alarm Assessment

[Amended ATM 5-6-92, Art. 35]

Definition: The term “False Alarm” as used in this section, includes accidental alarms caused by equipment malfunction, as well as deliberate and unnecessary activation of the system.

- A.** Alarm systems which generate false alarms in any twelve (12) month period shall be subject to the following assessment initially established:

False Alarm & Emergency Medical Systems

<u>False Alarm</u>	<u>Assessment</u>
1 through 3	None
4 through 5	\$200.00 each
6 or more	\$500.00 each

The Fire Chief shall have the authority to waive any assessment if in his judgment extenuating circumstances justify such a waiver.

After a third false alarm within twelve (12) months, the Fire Chief shall notify the responsible party in writing that the next false alarm incident within the current twelve (12) month period, from the date of this first false alarm, will result in an assessment charge.

Alarm users who present a valid service contract or similar agreement for the protected property will receive a twenty-five dollar (\$25) credit against any assessments. It is the intent of this section to have the system maintained on a regular basis.

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- B.** False alarms caused by faulty telephone service, municipal equipment or electrical storms will be excluded from assessment.
- C.** False alarms received during the first thirty **(30)** days following installation shall be discounted provided no malicious intent has occurred and every attempt has been made to rectify new installation defects.
- D.** Determination that a false alarm has been transmitted will be the judgment of the Fire Chief or his duly appointed officer.
- E.** Any person(s) who maliciously and/or intentionally activates a fire alarm device, which automatically transmits an alarm to the Fire Department, when there is no fire or emergency situation, shall be fined one thousand dollars **(\$1,000)** in accordance with M.G.L. Section 32 of Chapter 268.

Chapter 69-7.1 **Connection Fees**

[Amended: ATM 5-6-92, Art. 35]

Each alarm user shall on or before October 1st of each year remit to the Fire Department the service fee for the coming year, initially established as follows:

MASTER FIRE ALARM BOXES	\$200.00/alarm box
DIGITAL ALARMS	\$ 10.00/signal

NOTE: Locations that have multiple master boxes installed as required by the Fire Department shall be assessed for the initial fire alarm box only.

Exemptions:

Fire Alarm system devices owned by the Town of North Andover shall be exempted from the provisions of 69-7 and 69-7.1

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Chapter 69-7.2 **Violations**

[Amended: ATM 5-6-92, Art. 35]

The following acts shall constitute a violation of these regulations and the responsible person or persons shall be punished by a fine of not less than **\$50.00** nor more than **\$200.00** per offense. (Each day in which a violation occurs will be considered a separate offense.)

- A.** Failure to follow an order issued by the Fire Chief to disconnect a fire alarm system automatic notification device.
- B.** Using a telephone dialing device arranged to dial a Fire Department number without authorization under this Bylaw.
- C.** Failure to pay any fee assessed under either or both Section 69-7 or 69-7.1 of these regulations within sixty (60) days from the assessment.
- D.** Failure to comply with the requirements set forth in these regulations.
- E.** Continued transmission of false alarms caused by the user's negligence or system malfunctions on the premises under the user's control where no effective effort is made to correct the condition.
- F.** Knowingly failing to maintain any alarm system, covered by this Bylaw, in proper working order.
- G.** Causing through negligence, a condition which interferes with the operation of or causes damage to the municipal fire alarm system.
- H.** Failure of a residential alarm user to pay an alarm fee assessed within sixty (60) days of the assessment will authorize the Fire Department to order the alarm user to discontinue the use of the alarm system automatic notification devices for not more than six (6) months. During this period all detection systems required by State and local statutes and bylaws for the proper notification of the residents of a dwelling shall be installed and/or maintained in a usable state.

Chapter 69-7.3 **Appeals**

[Amended ATM 5-6-92, Art. 35]

Appeals for reduction or cancellation of any of the penalties assessed for violations under this section may be directed to the Fire Chief. If the appellant is not satisfied, with the ruling of the Fire Chief, a further appeal may be made to the Town Manager. If the appellant is still not satisfied, a further appeal may be made to the Board of Selectmen whose ruling shall be final and binding.

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Chapter 69-7.4 **Fees, Fines and Assessments**

[Amended ATM 5-6-92, Art. 35]

The Fire Chief shall annually make a recommendation to the Town Manager relative to the adequacy of the fees, fines and assessments and the schedule relative thereto, as cited in Section 69-2, Section 69-7, Section 69-7.1, and Section 69-7.2 above, which may be adjusted by the Board of Selectmen as required.

Chapter 69-8 **Forcible Entry of Unoccupied Premises**

When the Fire Department responds to an alarm of fire, transmitted by a fire detection and alarm system, where the premises are unoccupied; the Department is unable to gain access to the structure; and is unable to contact any of the individuals listed, for access; the Fire Officer in command, may, if he has reasonable concern or suspicion that a fire exists within the structure, make a forcible entry to determine whether or not fire conditions exists. If this action becomes necessary, the Fire Officer shall:

- A. Notify the Police Department of this action.
- B. Secure the premises insofar as feasible.
- C. Continue efforts to contact the individuals listed as responsible for the structure.
- D. Enter the action taken in the Fire Department log.

Chapter 69-8.1 **Secured Key Access**

[Added 5-4-87 ATM, Art. 40]

Any building other than a residential building of fewer than six (6) units which has a fire alarm system or other fire protection systems shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be a type approved by the Chief of the North Andover Fire Department and shall be located and installed as approved by the Chief, Any building owner violating this Article after receiving due notice by the Fire Department shall be subject to a fine of fifty dollars (\$50.).

ARTICLE II

Burglar Alarm Systems

[Adopted: STM 10-27-83, Art. 5]

Chapter 69-9

Definitions; Word Usage

A. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future. The word “shall” is always mandatory and not merely directory.

B. As used in this Article, the following terms shall have the meanings indicated:

ALARM CONSOLE - The instrumentation on an alarm console at the receiving terminal of a signal line which, through both visual and audible signals, indicates activation of an alarm system at a particular location, or which indicates line trouble.

ALARM SYSTEM - An assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a one hundred ten (110) volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond, Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises, or an attempted robbery at a premises, are specifically excluded from the provisions of this section.

ALARM USER or USER - Any person on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this section are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of “alarm system” as that term is used in this section, and shall be subject to this section.

AUTOMATIC DIALING DEVICE - An alarm system which automatically sends over regular telephone lines by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

CENTRAL STATION - An office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals,

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DIRECT CONNECT - An alarm system which has the capability of transmitting system signals to and receiving them at the Police Department alarm console.

FALSE ALARM -

1. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents.
2. Any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department which in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises.

Excluded from this definition are activation's of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.

INTERCONNECT - To connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

POLICE CHIEF - The Chief of Police of the town or his designated representative.

POLICE or POLICE DEPARTMENT - The Town Police Department or any authorized agent thereof.

PUBLIC NUISANCE - Anything which annoys, injures or endangers the comfort, repose, health or safety of a considerable number of persons or of any community or neighborhood.

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Chapter 69-10

Automatic Dialing Devices

- A. The Police Chief may promulgate such rules as may be necessary for the implementation of this section.
- B. Automatic dialing devices (interconnection to Police Department): By August 1, 1983, all dialers shall be reprogrammed to interconnect to the alarm console at the police station.
- C. Intermediary services: Any persons using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:
 - 1. A central station
 - 2. An answering service.
 - 3. Any privately owned or privately operated facility or terminal.

Chapter 69-11

Direct Connections to Police Department

- A. Alarm systems may be connected to the alarm console in the Police Department.
- B. Services shall be set forth in the form of a written contract between the alarm company and each user. The provisions of this subsection relate solely to the aforementioned alarm console, connections to said console by alarm users, and fees and charges related to the installation and maintenance of the console. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance and/or servicing of the alarm system to be installed on his premises.
- C. The alarm user or the alarm business contracting for servicing the alarm user's alarm system shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm receiving equipment at the Police Department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the alarm console.
- D. The provisions of Section 69-13 concerning false alarms shall apply to all alarm users or person having direct connect systems, except municipal, county and state agencies.

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Chapter 69-12

Miscellaneous Requirements

- A.** Every alarm user shall submit to the Police Chief the names and telephone lines of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.
- B.** All alarm systems directly connected to the police station shall be equipped with a device which will give a ten-second delay or longer prior to alarm system activation in order to warn the alarm user of an open alarm circuit.
- C.** All alarm systems installed after May 1, 1983, which use an audible horn or bell shall be equipped with a device that will sound minutes after activation of the alarm system.
- D.** Any alarm system emitting a continuous and uninterrupted signal for more than twenty (20) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or other persons designated by him under Subsection A of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user or members of the alarm user's family or those persons designated by the alarm user under Subsection A of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complaints and the time that each complaint was made. In the event that the Police Chief is unable to contact the alarm user, or members of the alarm user's family or other persons designated by the alarm user under Subsection A of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance he may direct a police officer or a fire fighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance. If entry upon property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property shall not conduct, engage in or undertake any search, seizure, inspection or investigation while he is upon the property; shall not cause any unnecessary damage to the alarm system or to any part of the home or building; and shall leave the property immediately after the audible signal has ceased.

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After entry upon property has been made in accordance with this section, the Police Chief shall have the property secured, if necessary. The reasonable costs and expenses of abating a nuisance in accordance with this section shall be assessed to the alarm user, said assessment not to exceed fifty dollars (\$50). Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Board of Selectmen and may present evidence showing that the signal emitted by his alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him or that the requirements of this section were not fulfilled. The Board shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of the abatement.

E. Testing of equipment.

1. No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. An unauthorized test constitutes a false alarm.
2. Any repair or test of private equipment that requires over twenty (20) minutes to complete will require that an employee of the company doing the repair, be in the North Andover Police Station to reset the alarm until such time as the alarm is repaired or disconnected.

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Chapter 69-13

False Alarms

A. When emergency messages are received by the Police Department that evidence false alarms, the Police Chief shall take such action as may be appropriate under Subsection B, C and D of this section, and, when so required by the terms of the aforementioned subsections, order that use of an alarm system be disconnected.

B. After the Police Department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone or by mail, of such fact and require said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If said user, on the basis of absence from the city or on any other reasonable basis, requests an extension of time for filing the report, the Police Chief may extend the fifteen-day period for a reasonable period. If said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief shall order that use of the alarm system be disconnected. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

C. In the event that the Police Department records five (5) false alarms within the calendar year from an alarm system, the Police Chief shall order that the user of the alarm system discontinue the use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected. In the event that the Police Department records eight (8) false alarms within the calendar year from an alarm system, the Police Chief shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.

D. Any user of an alarm system which transmits false alarms shall be assessed a fine of twenty-five dollars (\$25) for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment, the Police Chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

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E. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Board of Selectmen. Notice of an appeal shall be filed with the Clerk of the Board of Selectmen within ten (**10**) days of the date of the order of discontinuance. Thereafter, the Board shall consider the merits of the appeal, and in connection herewith shall hear evidence presented by all interested persons. After hearing such evidence, the Board may affirm, vacate or modify the order of discontinuance.

Chapter 69-14 **Violations and Penalties**

A. The following acts and omissions shall constitute violations of this section punishable by a fine of fifty dollars (**\$50**):

- 1.** Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal.
- 2.** Failure to disconnect an automatic dialing device from any telephone numbers at the Police Department within six (**6**) months after the effective date of this Article.
- 3.** Interconnection of an automatic dialing device to any telephone numbers at the Police Department after the effective date of this Article.
- 4.** Failure to pay two (**2**) or more consecutive fines assessed under this section within sixty (**60**) days from the date of assessment.
- 5.** Failure to comply with the requirement of Section 69-13 of this Article.

B. Each day during which aforesaid violations continue shall constitute a separate offense.

Chapter 69-15 **Severability**

The invalidity of any part or parts of this Article shall not affect the validity of the remaining parts.

Chapter 77

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town of North Andover 4-26-80 Annual Town Meeting, Art. 50. Amendments noted where applicable.]

**Chapter 77-1 Building Permit Fees,
 Exclusive of Mechanical and Utility Fees**

[Amended: ATM 4-25-81, Art. 21; ATM 4-27-85, Art. 54; ATM 5-5-92, Art. 36; ATM 5-3-93, Art. 28]

- A. The estimated cost of new construction shall be based on a cost factor of sixty-five (**\$65**) dollars per square foot.
- B. Fees for new construction shall be six dollars and fifty cents (**\$6.50**) per thousand dollars of estimated cost of construction or actual contract price, whichever is greater.
- C. Estimated construction cost of additions, alterations, and remodeling shall be the actual contract price. The permit fees shall be six dollars and fifty cents (**\$6.50**) per thousand based on the estimated costs of construction. There shall be a minimum fee of fifteen dollars (**\$15**) per permit.
- D. Copies of actual contract price shall be submitted with the Building Permit Application.
- E. Building permit fees shall be required for municipally owned buildings and structures. Building permit fee for buildings and structures wholly owned by the Town of North Andover may be waived, in whole or in part, only by the Board of Selectmen based on the Board's determination of the benefits accruing to the town from such a waiver. In all cases, fees will be required for mechanical and utility permits.

The Building Inspector shall periodically make a recommendation to the Town Manager relative to the adequacy of the fees, fines and assessments and the schedule relative thereto, as cited above, which may be adjusted by the Board of Selectmen as required; or any other action relative thereto.

Chapter 88

DOGS

[HISTORY: Adopted by the Town of North Andover as Ch. 7 of the General Bylaws. Amendments noted where applicable.]

Chapter 88-1 **Leash Required**

No owner or keeper of any dog shall permit it to leave its owner's or keeper's premises unless it is held firmly on a leash. The owner or keeper of a dog shall be that person normally responsible for the maintenance and upkeep of the premises upon which the dog is kept, and need not necessarily be the person to whom a dog license may have been issued. The Dog Officer shall be the enforcing officer of this chapter and may seek complaints against persons in violations hereof under provisions of Massachusetts General Laws C. 140, Sec. 173A.

Chapter 88-2 **Impoundment; Redemption Fee**

[Amended: ATM 4-25-81, Art. 25]

- A.** The Dog Officer may cause a dog to be impounded if it be found without a proper license or found at large or out of control outside of the bounds of the property of its owner or keeper.
- B.** An impound dog shall be released to its owner or keeper upon payment of an administrative fee of ten dollars (\$10.) plus the pound fees (as established by the Selectmen) and, if necessary, upon its being properly licensed.

Chapter 88-3 **Restraint Order**

The Dog Officer may order the owner or keeper of a dog to restrain it after it has been impounded twice; he may remove such an order or restraint if he is satisfied that the dog is unlikely to repeat its offense. Any person who fails to comply with any outstanding order of restraint shall be deemed to have committed a breach of this chapter.

Chapter 88-4 **Disposal of Unclaimed Dogs**

A dog impounded and unclaimed by its owner or keeper after ten-day period shall be disposed of in accordance with the provisions of Massachusetts General Laws C. 140, Sec. 151A.

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Chapter 88-5

License Fees

[Added: ATM 4-25-81, Art. 26]

The dog license fees as provided for in Massachusetts General Laws C. 140, Sec. 139 shall be increased by one dollar (\$1)

Replaced by the following:

[STM 10-5-89, Art 9]

Accept the provisions of Section 147 A, Chapter 140, M.G.L. which empowers the Town to enact by-laws relative to the licensing and regulations of dogs.

[STM 10-5-89, Art 10]

All dogs six (6) months old or over must be licensed and tagged.

License fees shall be:

For male dogs & spayed female dogs	\$4.00
For unspayed female dogs	\$7.00

Kennel Licenses:

Four dogs	\$10.00
Ten dogs	\$25.00
More than ten dogs	\$50.00

The owner or keeper of an unlicensed dog after June 1st will be fined fifteen dollars (\$15.00) per dog in addition to the license fee.

A review and adjustment of these fees may be made by the Selectmen whenever deemed necessary.

Chapter 88-6

Violations and Penalties

The penalty for violations of this chapter shall be in accordance with Massachusetts General Laws C. 140, Sec. 173A.

Chapter 101

FEES

[HISTORY: Adopted by the Town of North Andover 4-24-82 Annual Town Meeting, Art. 14. Amendments noted where applicable.]

Chapter 101-1

Fees Enumerated

A. Automatic amusement device license Massachusetts General Laws C. 140, Sec. 177a: one hundred dollars (**\$100**) per machine.

B. Sealing of weights and measures service (Massachusetts General Laws C. 98, Sec. 56).

1. Scales:

a. Capacity of over ten thousand (**10,000**) pounds: fifty dollars (**\$50**) each.

b. Capacity of five (**5**) to ten thousand (**10,000**) pounds: thirty dollars (**\$30**) each.

c. Capacity of one (**1**) to five thousand (**5,000**) pounds: twenty dollars (**\$20**) each.

d. Capacity of one hundred (**100**) to one thousand (**1,000**) pounds: ten dollars (**\$10**) each.

e. Balances of ten (**10**) to one hundred (**100**) pounds: six dollars (**\$6**) each.

f. Balances under ten (**10**) pounds: five dollars (**\$5**) each.

2. Liquid capacity measure of capacity of more than one (**1**)gallon and measure on pumps: two dollars (**\$2**) each.

3. Liquid measuring meter:

a. Diameter one half (**1/2**) inch to one (**1**) inch: five dollars (**\$5**) each.

b. Diameter over one (**1**) inch vehicle tank pump: sixteen dollars (**\$16**) each.

4. Vehicle tank gravity: twenty dollars (**\$20**) each.

5. Bulk storage: forty dollars (**\$40**) each.

6. Bulk storage with certification proven: twenty dollars (**\$20**) each.

7. Taxi meter: eight dollars (**\$8**) each.

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- 8.** Device to determine linear area: five dollars (**\$5**) each.
- 9.** Milk bottle or jars: eight dollars (**\$8**) each.
- 10.** Vehicle tanks used in sale of commodities by liquid measure per one hundred (**100**) gallons: five dollars (**\$5**) each.
- 11.** Separate tanks - same vehicle (**each**): five dollars (**\$5**).
- 12.** All weights and other measures: one dollar (**\$1**) each.

Chapter 105

FIREARMS AND EXPLOSIVES

[HISTORY: Adopted by the Town of North Andover as Ch. 8 Sec. 8.2 of at the General Bylaws. Amendments noted where applicable.]

Chapter 105-1 **Prohibited Use**

No person shall fire or discharge any firearms or explosives of any kind on private property, except with the consent of the owner of legal document thereof; provided, however, that this chapter shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties.

Chapter 107

FIRE HYDRANTS

[HISTORY: Adopted by the Town of North Andover as Ch. 5, Sec. 5.3 of the General Bylaws. Amendments noted where applicable.]

Chapter 107-1 **Permission to Open**

[Amended: ATM 5-4-87, Art. 41]

No person shall open any hydrant of the water system of the town without permission previously obtained from the Director of Public Works; provided, however, that nothing in this section shall be construed to prohibit the use of hydrants and water by the Chief of the Fire Department or the person acting in his stead, in case of fire.

Chapter 107-2 **Obstruction or Alteration**

[Added: ATM 5-4-87, Art. 41]

A. No person, except those authorized by the Director of Public Works or the North Andover Fire Chief, shall obstruct the access to or impede the operation of or alter the appearance of any hydrant of the water system of the town.

B. No planting or structure shall be maintained for a distance of a ten-foot radius from the top of the hydrant.

Chapter 107-3 **Failure to Comply**

[Added: ATM 5-4-87, Art. 41]

Any obstruction or alteration shall be corrected to comply with the bylaw. Any costs incurred for correction shall become the burden of the person responsible for such obstruction or alteration and shall, if unpaid, become a lien upon that person's property.

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Chapter 109 **FIRE LANES**

[HISTORY: Adopted by the Town of North Andover 4-27-85 Annual Town Meeting, Art. 53. Amendments noted where applicable.]

Chapter 109-1 **Determination of Necessity; Installation**

Upon determination by the Fire Chief that fire lanes are necessary for the protection of the lives or property of the public in an area to which the public has access, the owner or the person having control of such premises shall provide, install and maintain “No Parking-Fire Lanes” signs and striping in the location designated by the Fire Chief.

Chapter 109-2 **Obstruction of Private Ways**

It shall be unlawful to obstruct or block a private way to an area to which the public has access so as to prevent fire apparatus or other emergency equipment from gaining access to any building thereon.

Chapter 109-3 **Designation of fire lanes;** **Dimensions; Properties Requiring Them**

It shall be unlawful to obstruct or park any vehicle in any fire lane, such fire lane to be designated by the Chief of the North Andover Fire Department. These fire lanes to be posted and marked as such. Said fire lanes shall include a distance of twelve (12) feet from the curb at a sidewalk or in the absence of sidewalks and curbing, the distance shall be eighteen (18) feet from the building. The properties involved shall be shopping centers, apartment complexes, hospitals, nursing homes, theaters and schools or other areas to which the public has access.

Chapter 109-4 **Enforcement**

These traffic regulations are enforced by the Police Department of the Town of North Andover carrying a fine of ten dollars (\$10) per ticket.

Chapter 109-5 **Towing of Vehicles**

If vehicles are impeding access of emergency vehicles, the Police Department shall have the authority to tow such vehicles to a storage facility designated by the North Andover Police Department. Such towing charge to become the responsibility of the owner of towed vehicle.

Chapter 112

FOOD SERVICE ESTABLISHMENTS

[HISTORY: Adopted by the Town of North Andover as Ch. 6, Sec. 6.5 of the General Bylaws. Amendments noted where applicable.]

Chapter 112-1 **Authority of Selectmen**

The Selectmen may, for the purpose of controlling and abating noise, promulgate orders, not inconsistent with any governing statute, establishing the hours during which any holder of a common victual's license may open his licensed premises to the public.

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Chapter 115

GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Town of North Andover 11-24-80 Special Town Meeting, Art. 1. Amendments noted where applicable.]

Chapter 115-1

Weekly Collection

[Amended: ATM 5-9-90, Art. 27]

The Division of Public Works shall each week collect the refuse and trash of:

- A.** Each detached single-family residence and each multiple dwelling that:
 - 1.** Contains fewer than nine (9) living units; and
 - 2.** Is not part of any apartment or condominium complex containing nine (9) living units or more.
 - 3.** Not withstanding the foregoing, the Town will provide customary residential trash pick-up for the residential units of Village Green at North Andover Condominium Trust, which are located on duly excepted public ways.
- B.** Each building used for commercial, business or industrial purposes where the amount of refuse produced is no more than eight (8) thirty gallon barrels per week and the building is not commercial, business or industrial complex.

Chapter 115-2

Placement of Refuse for Pickup

Service will be provided only if the refuse and trash is placed on the side of the highway in front of said residence or multiple dwelling or building.

Chapter 115-3

Commercial, Business or Industrial Complex

Any building or aggregation of buildings (such as a shopping mall, industrial park, office complex or other like development) containing four (4) or more businesses, industries or commercial enterprises shall be deemed to constitute a commercial, business or industrial complex for purposes of this chapter if legal title to the building or aggregation of buildings is in single, joint or common ownership.

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Chapter 115-4 **Responsibility of Building Owners**

It shall be the duty of each owner of a multiple-dwelling building or apartment or condominium complex containing nine (9) living units or more and each owner of a building utilized for commercial, business or industrial purposes which does not qualify for trash pickup under the criteria set forth in Section 115-B to cause to be removed at his own cost and expense all refuse and trash produced therein.

Chapter 115-5 **Refuse Restricted Activity**

[Amended: ATM 5-3-93, Art. 42]

To be in compliance with the State solid waste facility regulation 310 CMR 19.017 & DPW's Guidance Document #7 (DSWM Guidance SWM-7-9/92), the Town of North Andover enacts a mandatory bylaw, which states as of April 1, 1993, the following will not be allowed in the garbage, rubbish and refuse/trash.

Glass Containers: Glass bottles and jars (soda-lime glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

Metal Containers: Aluminum steel or bi-metal beverage and food containers, including scrap metal.

Yard Waste: Grass clippings, weeds, garden materials, shrub trimmings, and brush 1" or less in diameter (excluding diseased plants);

Leaves: Deciduous and coniferous leaf deposition;

Lead Acid/Batteries: Lead-acid batteries used in motor vehicles or stationary applications;

White Goods: Large appliances including: refrigerators, freezers, dish washers, clothes dryers, gas or electric ovens and rangers, and hot water heaters;

Whole Tires: Unshredded motor vehicle tires of all types. (A shredded tire is a tire which has been cut, sliced, or ground into four or more pieces such that the circular form of the tire has been eliminated.)

Chapter 115-6 **Penalties**

[Amended ATM 5-3-93, Art. 42]

Any or all of the items in 115-5 commingled with garbage, rubbish, or refuse will be reason for the Division of Public Works or its agents to refuse to pick up such commingled items from that dwelling.

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Chapter 117

GAS STATIONS

[HISTORY: Adopted by the Town of North Andover as Ch. 6, Secs. 6-4 and 6.6 of the General Bylaws. Amendments noted where applicable.]

Chapter 117-1

Hours of operation

For the purpose of controlling and abating noise, no automobile service station within the town shall conduct business, except in case of an emergency, between the hours of 10:00 p.m. and 5:30 a.m.

Chapter 117-2

Types of permitted stations

[Amended: STM 12-10-87, Art. 8; ATM 5-3-93, Art. 41]

Gasoline stations may be operated as either full service, where gasoline is pumped by employees holding the nozzle; self-service where gasoline is generally pumped by the customer holding the nozzle; or a combination of full service and self-service, provided that such gasoline stations meet all applicable requirements of law and provided that in conjunction with self-service pumps or islands an employee is on the premises to aid those in need of assistance.

Chapter 122

HAWKERS AND PEDDLERS

[HISTORY: Adopted by the Town of North Andover as Ch 6, Sec. 6.1 of the General Bylaws. Amended: ATM 5-13-96, Art. 45]

Chapter 122-1 **License Required; Exception.**

No person shall go through the streets or ways of the town as a hawker or peddler, selling or exposing for sale, fruits or vegetables, without first obtaining a written license from the Selectmen of the town; provided that this chapter shall not apply to a person engaged in the pursuit of agriculture who peddles fruits or vegetables.

Chapter 122-2 **Parades**

Any hawkers or peddlers selling goods, wares, and merchandise in conjunction with or in the vicinity of any parade, including, without limitation the Fourth of July Parade, in the Town of North Andover, shall be subject to the following restrictions.

1. Hawkers and peddlers shall at all times remain a distance of at least thirty (30) from the center-line of the street or roadway of the parade route.
2. No explosive devices such as hand thrown Caps or similar products capable of making explosive noises shall be sold.
3. All hawkers and peddlers shall display their license number in a conspicuous manner at all times.
4. All hawkers and peddlers shall make any goods, wares or merchandise, which they offer or intend to offer for sale, available for inspection by the Police or Fire Chiefs or their designees.

Chapter 122-3 **Enforcement**

The Enforcement Agent for the purpose of this bylaw shall be the Chief of Police or his designees.

Chapter 122-4 **Violations/Penalty**

Any person or organization violating any of the provisions of this bylaw shall be subject to a fine of three hundred (\$300) dollars, and each day a violation occurs shall be considered a separate offense. This penalty may be enforced under the provisions of the non-criminal provisions contained in Article 1, Section 4, of the Town's General Bylaws.

Chapter 125

HISTORIC DISTRICT

[HISTORY: Adopted by the Town of North Andover 5-4-87 Annual Town Meeting, Art. 15. Amendments noted where applicable.]

Chapter 125-1 **Title**

This chapter shall be known and may be cited as the “North Andover Old Center Historic District Bylaw” and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Chapter 125-2 **Purpose**

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of distinctive historical and architectural characteristics of buildings and places in the Old Center area of the Town of North Andover through the maintenance and improvement of such buildings and places and the encouragement of appropriate and compatible design in this area.

Chapter 125-3 **Establishment**

There is hereby established under the provisions of Chapter 40C of the General Laws an historic district to be known as the “Old Center Historic District” which district shall be bounded as shown on the map entitled “North Andover Old Center Historic District, 1987” attached and made part of this chapter.¹

Chapter 125-4 **Historic District Commission**

There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven (7) members and two (2) alternate members, all residents of the Town of North Andover, appointed by the Board of Selectmen; including one (1) member, where possible, from two (2) nominees submitted by the North Andover Historical Commission; one (1) member, where possible, from two (2) nominees submitted by the North Andover Historical Society; one (1) member, where possible from two (2) nominees submitted by the Greater Lawrence Board of Realtors; one (1) member, where possible, from two (2) nominees, submitted by the Massachusetts State Chapter of the American Institute of Architects; and one (1) member who is both a resident of and owner of property in the Old Center Historic District. The Board of Selectmen shall submit written requests for nominations to the organizations named herein. If no nomination has been made within thirty (30) days after submitting a request, the Selectmen may proceed without waiting for the requested nomination. When the

¹ Editor’s Note: The Historic District Map is on file in the office of the Town Clerk.

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Commission is first established, three (3) members shall be appointed for three-year terms, two (2) members and one (1) alternate member shall be appointed for two-year terms and two (2) members and one (1) alternate member shall be appointed for one-year terms.

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Successors shall each be appointed for a term of three (3) years. Vacancies shall be filled within sixty (60) days by the Board of Selectmen by appointment for the unexpired term. In the case of absence, inability to act or unwillingness to act because of self-interest by a member, the Chairman may designate an alternate member of the Commission to act for a specified time. If any member is absent from three (3) consecutive Commission meetings, the Chairman may appoint an alternate member as a replacement to serve for the remainder of that member's term, whereupon the Board of Selectmen shall appoint a new alternate member. Each member and alternate member shall continue in office until his or her successor is duly appointed. All members and alternate members shall serve without compensation. The Commission shall elect annually a Chairman and a Vice Chairman from its own number and a Secretary from within or without its number. Meetings of the Commission shall be held only if attended by a quorum of at least five (5) members, including alternate members designated to act as members. If the Chairman is absent from a meeting of the Commission, the Vice Chairman shall act as Chairman. Decisions of the Commission at a meeting require a majority vote of the members, including designated alternates, who are present at the meeting.

Chapter 125-5

Powers and Duties of Commission

A. The Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic District Act, General Laws, Chapter 40C, and by subsequent amendments thereto, unless specifically limited by this chapter. The Commission may adopt rules and regulations not inconsistent with the provisions of the Historic District Act. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.

B. The Commission shall have control over new construction, reconstruction, alterations, relocation and demolition of all exterior architectural features of buildings and structures within the Old Center Historic District which are clearly visible from any public street, public way or public land within the district, except as limited by this chapter. The terms used in this chapter shall have meanings set forth in Massachusetts General Laws C.40C, Sec. 5. For purposes of this chapter, any structure partially within the Historic District shall be considered wholly within the district.

C. In passing upon matters before it the Commission shall consider, among other things, the historical and architectural value and significance of the site, building or structure, the general design arrangement of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area.

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Chapter 125-6

Limitations and Exemptions

A. The Commission shall not act to prevent or unnecessarily delay new construction, reconstruction or alterations except for the purpose of preventing developments incongruous to historical considerations and architectural features of value, viewed in relation to the surrounding area.

B. The following are exempt from review or control by the Commission (except as specifically noted):

- 1.** Ordinary maintenance, repair or replacement of any external architectural features if this does not involve a change in design or materials.
- 2.** Actions required by a duly authorized public officer necessary for public safety in the event of an unsafe or dangerous conditions.
- 3.** Landscaping with plants, trees, or shrubs.
- 4.** Terraces, walks, sidewalks, driveways and other similar structures, provided that the structure is at grade level. (Parking lots require Commission review.)
- 5.** Storm doors and windows, screen doors and windows, window air conditioners, residential light fixtures and conventional antennae no larger than six (6) feet in any dimension. (Dish antennae and solar collectors require Commission review.)
- 6.** Paint color and roofing material.
- 7.** Temporary signs or structures to be in use for not more than ninety (90) days.
- 8.** Signs used for residential occupation or professional purposes, of not more than one(1) square foot in area, provided that no more than one (1) sign is displayed on or near any one (1) building or structure and the sign consists of lettering painted on wood without a symbol or trademark. (Signs for commercial and institutional purposes require Commission review.)
- 9.** Reconstruction substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other calamity, provided that such reconstruction is begun within one (1) year thereafter and is carried forward with due diligence.
- 10.** All interior architectural features, and those exterior architectural features which are not clearly visible from any public street, public way or public land within the Old Center Historic District.

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Chapter 125-7

Procedures

A. Except as this chapter provides in Section 125-6, no building or structure within the Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any building or structure within the Historic District until the certificate required by this section has been issued by the Commission.

B. Applications for certificates shall be made in triplicate, one (1) copy being filed with the Historic District Commission, one (1) with the Building Inspector and one (1) with the Town Clerk. Applications shall include plans and elevations, drawn to scale, detailed enough to show architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission. Plot and site plans should be filed when an application is made for improvements involving applicable landscape features such as walls and fences. In case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter.

C. Within fourteen (14) days of the filing of an application for any certificate, the Commission shall determine whether the application involves any features which are subject to approval by the Commission.

D. If the application requires the Commission's review or, at the request of the applicant, the Commission shall hold a public hearing, unless waived according to the provision of Chapter 40C of the General Laws as amended. Public notice of the time, place and purpose of the hearing shall be given at least fourteen (14) days in advance and the Commission must notify by mail affected parties as provided in Chapter 40C of the General Laws as amended.

E. The Commission shall decide upon the determination of any application within sixty (60) days of its filing or within such further time as the applicant may allow in writing.

F. A certificate of appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the Historic District. In the case of a disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determinations, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's

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proposal which, if made would make the application acceptable to the Commission. If, within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a certificate of appropriateness to the applicant.

G. Upon request, the Commission may issue a certificate of non-applicability to any applicant whose request does not require Commission approval.

H. If an application is deemed inappropriate or if application is made for a certificate of hardship, the Commission may issue a certificate of hardship if conditions especially affecting the building or structure involved, but not affecting the Historic District generally, would make failure to approve an application, involve a substantial hardship, financial or otherwise, to the applicant and approval would not involve substantial detriment to the public welfare. A certificate of hardship shall also be issued in the event that the Commission does not make a determination of an application within the time specified in Subsection E.

I. Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy or notice of certificate and determinations of disapproval with the Town Clerk and the Building Inspector.

J. Any person aggrieved may, within twenty (20) days of the decision by the Commission, appeal to a superior court sitting in equity. The Commission must pay costs if it appears to the court that the Commission has acted with gross negligence, bad faith or malice.

K. Violation of any of the provisions of this chapter shall incur a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) as determined by the Commission, each day constituting a separate offense.

Chapter 125-8 **Town to be Subject to Provisions**

The Town of North Andover shall be subject to the provisions of this chapter notwithstanding any town bylaw to the contrary.

Chapter 125-9 **Amendments**

This chapter may be amended from time to time by a two-thirds vote of the Town Meeting, subject to the procedures as set forth in Massachusetts General Laws C.40C, Sec. 3.

Chapter 125-10 **Severability**

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In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 125-11

When Effective

Following Town Meeting approval, this chapter takes effect immediately when the following conditions have been met: approval by the Attorney General of the Commonwealth; and filing of a map of the boundaries of the Historic District with the North Andover Town Clerk, the North Andover Building Inspector and the Registry of Deeds for North Essex County.

Chapter 127

JUNK DEALERS

[HISTORY: Adopted by the Town of North Andover as Ch. 6, Sec. .2 of the General Bylaws. Amendments noted where applicable.]

Chapter 127-1

License Required; Fee; Duration

No person shall keep a shop for purchase, sale or barter of junk, old metal or secondhand articles, or shall go from house to house collecting or procuring by purchase or barter any such articles, without a written license from the Board of Selectmen. The fee for such license shall not be less than one dollar (\$1). Each license shall continue in force until the first day of May ensuing unless sooner revoked by the Selectmen.

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Chapter 129

LICENSES AND PERMITS

[HISTORY: Adopted by the Town of North Andover as Ch. 129 of the General Bylaws. ATM 5/3/93- Amendments noted where applicable.]

Chapter 129-1

A. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessment, betterments or other municipal charges for not less than a twelve (**12**) month period, and that such party has not filed in good faith a pending application for an abatement of such taxes or a pending petition before the appellate tax board.

B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal for such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this Bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

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C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.

D. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of M.G.L. Chapter 268 in the business or activity conducted in or on said property.

This Bylaw shall not apply to the following licenses and permits issued under the following M.G.L. Chapters; open burning, Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing, hunting, trapping license, Section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207 and theatrical events, public exhibition permits, Section 181 of Chapter 140.

Chapter 130

LITTERING

[HISTORY: Adopted by the Town of North Andover as Ch. 5, Sec. 5.4 of the General Bylaws; amended in its entirety 5-2-88 Annual Town Meeting, Art. 18. Subsequent amendments noted where applicable.]

Chapter 130-1 **Prohibited Activity**

Except on land or in receptacles designated by the town for dumping or placing of trash, no person shall in any manner, whether from on foot or from any vehicle, throw, drop or discard upon any property, public or private (except that owned or leased by him/her), any trash or litter of any kind whatsoever. Notwithstanding the foregoing, it is further understood that the accumulation of litter or trash on private property so as to blight the appearance of the neighborhood shall be a violation of this chapter.

Chapter 130-2 **Violations and Penalties**

Any person found guilty of violation of this chapter shall be punished by the payment of a fine of not less than two hundred dollars (\$200) nor more than a law shall allow. Each day after an initial citation shall constitute a separate offense until the litter is removed.

Chapter 141

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Town of North Andover as Ch 5, Sec. 5.6 of the General Bylaws. Amendments noted where applicable.]

Chapter 141-1 **Disorderly Conduct**

No person shall behave in a rude or disorderly manner, nor use loud, profane or indecent language, nor throw stones, snowballs or other missiles in any street or other public place.

Chapter 141-2 **Loitering**

No person shall loiter upon any sidewalks, street or way of the town or upon private property thereto without the consent of the owner thereof, after has been requested by a constable or police officer to depart.

Chapter 141-3 **Consumption of Alcoholic Beverages**

No person shall drink any alcoholic beverages as defined in Massachusetts General Laws C. 138, Sec. 1, while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this chapter shall be seized and safety held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession, provided that such portion of the above-defined beverages used for analysis shall be disposed of according to law.

Section 141-4 **Trespassing.**

A. There shall be no trespassing on any property normally used for school purposes while school is in session, nor from one (1) hour after sunset to one (1) hour before sunrise.

B. There shall be no trespassing at any time on any of the town triangles. There shall be no trespassing in parks and playgrounds from one (1) hour after sunset to one (1) hour before sunrise on any day. No use shall be made of town forest and town farm grounds from sunset to sunrise except with the special permission of the Selectmen.

Chapter 147

RECYCLING

[HISTORY: Adopted by the Town of North Andover as Ch. 5, Sec. 5.5 of the General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse - See Chapter 115.

Chapter 147-1 Unauthorized Removal of Materials to be Recycled **prohibited.**

The removal from a public sidewalk, way or any usual point of residential rubbish pickup, of any material specifically set apart from ordinary household rubbish for the purpose of being recycled, under the recycling program of the town, by any persons other than those properly authorized to pick up such material, is hereby expressly prohibited.

Chapter 154

SEWERS

[HISTORY: Adopted by the Town of North Andover as Ch. 5, Sec. 5.2 of the General Bylaws. Amendments noted where applicable.]

Chapter 154-1 **Common Sewer Connections**

The Board of Selectmen may declare any sewer laid in any land, street or way, public or private, opened or proposed to be opened for public travel, to be a common sewer and the same shall not be laid or connected with any existing common sewer except by the town officials authorized by law to lay and maintain common sewers.

Chapter 154-2 **Regulations for House Drains**

The Board of Health may make and enforce regulations for the public health and safety relative to house drainage and its connections with sewers, if a public sewer abuts the estate to be drained.

Chapter 154-3 **House Drain Connection License Required**

- A.** No person shall enter his drain into any common sewer without a written license from the Board of Selectmen, and any person entering under such license shall comply with such rules and regulations as to material and construction as the Board of Selectmen may prescribe. Said Board may close any drain entering a common sewer for failure to comply with the provisions of this chapter.

- B.** No excavation shall be made within a public way in connecting such private drains with a common street except under the direction of the Director of Public Works, or other persons having charge of the streets of the town.

Chapter 158

SOLICITATION

[HISTORY: Adopted by the Town of North Andover, ATM 5-2-94, Art. 18]

Chapter 158-1

Purpose

This Bylaw, adopted pursuant to Massachusetts General Laws, Chapter 43B, Section 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for all persons intending to engage in door-to-door canvassing or solicitation in the Town of North Andover in order to:

1. Protect its citizenry from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and
2. To allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

Chapter 158-2

Definitions

“Solicitor” or “Canvasser” is defined as any person who, for himself or for another person, firm or corporation travels by foot, automobile or other type of convenience from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services, including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for service to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sales.

“Residence” shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

“Registered Solicitor” shall mean any person who has obtained a valid certificate of registration from the Town, as required under this Bylaw.

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Chapter 158-3

Exception

The provisions of this Bylaw shall not apply to any person duly licensed under Chapter 101, or to any person exempted under Chapter 101, Chapter 149, Section 69, Chapter 180, Section 4, or to any person exempted by any other General Law, or officers or employees of the Town, County, State or Federal government when on official business or route salesmen or other persons having established customers to whom they make periodic deliveries to such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries including news carriers. This Bylaw shall not prevent persons from engaging in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities.

Chapter 158-4

Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of North Andover must register with the Police Department at least seven (7) days in advance by filing a registration application form with the Chief of Police. Such form will be signed under the penalties of perjury and contain the following information:

- A. Name of Applicant
- B. Address of applicant. Business, local and home address.
- C. Telephone number of applicant. Business and home numbers.
- D. Applicant's social security number.
- E. The length of time for which the right to do business is desired. No registration will be granted for a period longer than 90 days.
- F. A brief description of the nature of the business and the goods to be sold.
- G. The name, home office address and telephone number of the applicant's employer. If self-employed, it shall so state.
- H. A photograph of the applicant, which shall be provided by the applicant, and be 2"x2" , and will show the head and shoulders of the applicant in a clear and distinguishing manner. This provision may be waived by the Chief of Police for local non-profit organizations.
- I. If operating or being transported by a motor vehicle(s): The year, make model, vehicle identification number, registration number, state of registration and the vehicle's owner and address, for each vehicle, will be provided.
- J. The names of the three most recent communities (if any) in which the applicant has solicited or canvassed door-to-door.

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In addition, a list of names, addresses, dates of birth, and social security numbers of all individuals who will be employed in canvassing or solicitation and those supervising such individuals as a roster of local non-profit canvassers or solicitors will be attached to the application. The Chief of Police may refuse to register an organization or individual whose registration has been revoked for violation of this Bylaw within the previous two-year period.

Chapter 158-5 **Registration Fee**

Each applicant for registration or re-registration shall pay a non-refundable fee of \$5.00 to the Town at the time of application. A registration fee must be paid for each person who will be engaged in soliciting or canvassing or the supervision of canvassing or soliciting. This fee may be waived at the discretion of the Chief of Police for non-profit organization with proof of non-profit standing.

Chapter 158-6 **Investigation**

Upon receipt of the application, the Chief of Police shall investigate the applicant's background and reputation. Within seven (7) days of the filing of the application, the Chief shall endorse on such application his approval or disapproval.

Chapter 158-7 **Registration Cards**

The Chief of Police shall furnish each person engaged in solicitation or canvassing with a registration card which will contain the following information:

- A. Name of person
- B. Recent 2"x2" photograph supplied by the individual to be registered.
- C. Name of organization that the person represents.
- D. A statement that the individual has been registered with the Police Department but that registration is not an endorsement of any individual or organization.
- E. Specific dates or period of time covered by the registration.

This fee may be waived at the discretion of the Chief of Police for non-profit organizations with proof of non-profit standing.

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Chapter 158-8

Notice Regulating Solicitation

Every occupant of a residence desiring to secure additional protection, as provided by this Bylaw shall comply with the following requirements:

A. A weatherproofed card, approximately 3"x5" in size shall be exhibited upon or near the main entrance door to the residence or at the beginning of the driveway indicating the determination by the occupant, as to whether solicitors or canvassers are invited to the residence by the following applicable words:

“No Solicitors or Canvassers Invited”

No Solicitors or Canvassers Invited Before the Hour of

_____AM or after the Hour of _____PM”

Further, it shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has displayed a “No Trespassing” or No Soliciting” sign or poster.

Chapter 158-9

Duties of Solicitors

A. It shall be the duty of every solicitor or canvasser, upon going onto any residential premises in the Town of North Andover, to first examine the notice provided for in Section 8 of the Bylaw, if any is exhibited.

If notice stated “No Solicitors or Canvassers Invited” then the solicitor or canvasser shall immediately and peacefully depart from the premises.

If the notice limits the hours of the solicitation, the solicitor or canvasser shall comply with the limits noted.

B. Person engaged in solicitation or canvassing, including supervisors, must carry the registration card at all times and present the card to any person solicited or upon request of a police officer.

C. Immediately upon gaining entrance to any residence, each solicitor canvasser must do the following:

I. Present this registration card for inspection by the occupant.

II. Request that the occupant read the registration card.

III. Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of the organization.

D. Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately, and peacefully depart from the premises when requested to do so by the occupant.

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E. It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to what area(s) of the Town they will be operating in.

Chapter 158-10 **Restrictions on Methods of Solicitation**

A. No solicitor or canvasser, licensed or exempted from licenses, may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A and 255D of General Laws.

B. No solicitor or canvasser licensed or exempted from license, may use any plan scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services.

C. No solicitor or canvasser, licensed or exempted from license, shall falsely represent, directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization.

D. No solicitor or canvasser, licensed or exempted from license, shall solicit or canvass at any residence without express prior permission of an occupant, before 8:00 AM or after 8:30 PM where there is not a sign posted otherwise limiting solicitation or the hours of solicitation.

E. No solicitor or canvasser, licensed or exempted from license, shall go upon any residential premises and ring the doorbell or rap or knock upon the door of the residence or create any sound in any manner calculated to attract the attention of the occupant of such residence for the purpose of solicitation or canvassing in defiance of the notice exhibited at the residence in accordance with Section 9.

Chapter 158-11 **Revocation of Licenses**

The Chief of Police is hereby vested with jurisdiction over the revoking of a registered solicitor for any violation of the provisions contained within this Bylaw or who knowingly provides false information on the registration application. Any person aggrieved by such revocation may appeal to the Town Manager within 7 business days in writing, and hearing will be scheduled within 5 business days.

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Chapter 158-12 **Penalty**

Any person or organization violating any of the provisions of this Bylaw shall be subject to a fine of \$100.00 for each offense. This penalty may be enforced under the provisions of the non-criminal disposition provisions contained in Article 1, Section 4.0 of the Town's General Bylaws.

Chapter 158-13 **Severability**

Invalidity of any individual provision of this Bylaw shall not affect the validity of the Bylaw, as a whole.

Chapter 158-14 **Fees**

Any fines established by the Bylaw may be changed, from time to time, by an action of the Board of Selectmen.

Chapter 161

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town of North Andover as Ch. 5, Sec. 5.1 of the General Bylaws. Amendments noted where applicable.]

Chapter 161-1 **Authority to Regulate; Penalties.**

A. The Selectmen may make such rules and regulations as they deem necessary, under the revised laws, in relation to the passage of vehicles through the streets and ways of the town.

B. Any violation of said rules and regulations shall be punished by a fine of not less than one dollar (\$1) nor more than twenty dollars (\$20).

Chapter 161-2 **Snow and Ice Removal**

No snow or ice shall be deposited upon any portion of a way open to public travel for the safe maintenance of which the town is responsible, except by town employees acting in the proper performance of their duties. This provision shall not prohibit an occupant of premises abutting upon such a way from clearing snow or ice from a sidewalk in front of such premises, or from that part of any driveway or other means of access from such premises to the way, provided that such clearing does not result in a narrowing of the traveled portion of the way as defined by prior snow removal procedures performed by town employees.

Chapter 161-3 **Street Excavation Permit**

No person shall make any excavation or other substantial change in a town way open to public travel without first obtaining a permit thereof from the Director of Public Works. Such a permit shall be granted only upon a written application therefor, which shall contain such information as to the proposed excavation change as the Director of Public Works may require, and the permit may contain any reasonable requirements, including the applicant's procurement of an adequate performance bond assuring his compliance with such requirements, the amount of such bond to be set by the Director of Public Works. In the event that such excavation cannot be completed within twelve (12) hours, the Director of Public Works shall forthwith make all necessary repairs to the town for the incident expenses.

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Chapter 161-4

Driveway Permits

No driveway or other means of access to privately owned property from any public way or any way maintained by the town or shown on an approved subdivision plan shall be constructed unless a permit for its entry into said way shall first have been issued by the Director of Public Works.

Chapter 161-5

Leaf Regulations - Penalties

[Amended: ATM 5-2-94, Art. 30]

No leaves shall be raked, swept, or deposited into piles curbside or on any property other than the owner's without permission. Any violation of this ordinance will be punishable by a fine of **\$200.00** or any amount set by the Board of Selectmen.

Chapter 173

VEHICLES AND TRAFFIC

ARTICLE I

HANDICAPPED PARKING

[HISTORY: Adopted by the Town of North Andover: Art, I, 4-26-86 Annual Town Meeting, Art. 42. Amendments noted where applicable.]

[Adopted 4-26-86 ATM, Art. 42]

Chapter 173-1

Provision Authorized

Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by Massachusetts General Laws C. 90, Sec. 2 shall be provided in public and private off-street parking areas in accordance with this Article.

Chapter 173-2

Determination of Number of Spaces

Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Massachusetts General Laws C. 90, Sec. 2, according to the following formula:

If the number of parking spaces in any such area is more than fifteen (15) but not more than twenty-five (25), one (1) parking space; more than twenty-five (25) but not more than forty (40), five percent (5%) of such spaces but not fewer than two (2); more than forty (40) but not more than one hundred (100), four percent (4%) of the spaces but not fewer than three (3); more than one hundred (100) but not more than two hundred (200), three percent (3%) of such spaces but not fewer than four (4); more than two hundred (200) but not more than five hundred (500), two percent (2%) of such spaces but not fewer than six (6); more than five hundred (500) but not more than one thousand (1,000), one and one half percent (1 1/2%) of such spaces but not fewer than ten (10); more than one thousand (1,000) but not more than two thousand (2,000), one percent (1%) of such spaces but not fewer than fifteen (15); more than two thousand (2,000), but fewer than five thousand (5,000), three fourths (3/4) of one percent (1%) of such spaces but not fewer than twenty (20); and more than five thousand (5,000), one-half of one percent (1%) of such spaces but not fewer than thirty (30).

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Chapter 173-3

Signs and Markings

Parking spaces designed as reserved under the provisions of Section 173-2 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words “Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner’s Expense”; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve (12) feet wide or two (2) eight-foot-wide areas with four (4) feet of cross hatch between them.

Chapter 173-4

Spaces Required

Any owner of a place to which the public has a right of access licensees or invitees shall provide, install and maintain “Handicapped Parking” signs and pavement markings as set forth in Section 173-3.

Chapter 175

VEHICLES, STORAGE OF

[HISTORY: Adopted by the Town of North Andover as Ch. 6, Sec. 6.3 of the General Bylaws. Amendments noted where applicable.]

Chapter 175-1 **Restricted Activity**

No person shall accumulate, keep, store, part, place, repair, deposit, or permit to remain upon premises owned by him or under his control, more than one (1) unregistered vehicle or any dismantled, unserviceable, junked or abandoned motor vehicle unless he is licensed to do so under the General Laws or unless he has received written permission to do so from the Board of Selectmen after a hearing. Written permission may only be granted by said Board on condition that the owner agrees to screen the permitted vehicle or vehicles from view from neighboring land, ways or public highways for breach of which agreement said permission shall be revoked.

Chapter 175-2 **Exceptions**

This chapter shall not apply to agricultural vehicles in use on an operating farm.

Chapter 175-3 **Violations and Penalties**

Whoever violates or continues to violate this chapter after having been notified of such violation shall be punished by a fine of fifty dollars (\$50.) Each week during which such violation is permitted to continue shall be deemed to be a separate offense.

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Chapter 178

WETLANDS PROTECTION

[HISTORY: Adopted by the Town of North Andover 12-10-87 Special Town Meeting, Art. 19. Amended in its entirety ATM 5-7-91. Amendments noted where applicable.]

Chapter 178-1

Purpose

The purpose of this Bylaw is to preserve and protect the wetland resource areas (as specified in Section 2) and buffer zones of the Town of North Andover by regulation of, and control of, activities (more particularly described in Section 2 below) deemed by the Conservation Commission (the "Commission") to have significant or cumulatively detrimental effect upon the following interests and values, including but not limited to: public or private water supply; groundwater ; the prevention and control of flooding, erosion, sedimentation, storm damage, and/or pollution; protection of fisheries, wildlife, wildlife habitat, and recreation.

Chapter 178-2

Jurisdiction

Except as permitted in writing by the Conservation Commission, or as provided in this Bylaw, no person shall engage in the following activities ("activities"): removal , filling, dredging, discharging into, building upon, or otherwise altering or dredging the wetland resource areas described in the following sentence, or the buffer zones thereof. The Town's wetland resource areas consist of: any freshwater wetland (as determined by vegetation community, soil composition or hydrologic regime), any bank, beach, marsh, wet meadow, bog, swamp, or lands bordering any creek, river, stream, pond, or lake, or any land under said waters, or subject to storm flowage or flooding, or inundation by groundwater or surface water, and the floodplain. The Commission shall not grant such permission without receiving written notice of the intention to conduct such activity, and without issuing written permission to do so all in compliance with the provisions of this Bylaw.

Chapter 178-3

Exceptions

This Bylaw shall not apply to the following activities:

1. Emergency projects as defined in the Commission's regulations;
2. Maintenance, repair or replacement, without substantial change or enlargement of existing and lawfully located structures or facilities used in the service of the public and used to provide electric, gas, water, telephone, or other telecommunications services to the public; or
3. Normal maintenance of land in agricultural use, as defined in the Commission's regulations; or
4. Maintenance and repair of existing public ways.

Chapter 178-4

Applications to Work and Information Required

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All applications to perform activities in the Town's resource areas shall be either in the form of a Request for Determination or a Notice of Intent or both. Such application shall contain data and plans as specified in the Commission's regulations, and shall be submitted in complete written form to the Commission as required by this Bylaw, regulation or otherwise. The date which serves to commence the Commission's deliberation period is the date of receipt of the application at its offices, during regular office hours. The applicable forms may be obtained from the Commission and must be signed by the owner and applicant, as well as the engineer where required. All plans and drawings must contain at least the following information to scale: all wetland resource areas, all existing lot lines (differentiated from proposed lot lines); the location of the proposed work; all Town roads, ways, streets etc.; existing physical and geographic characteristics of the site; existing buildings and structures; and all proposed changes, including changes to topography and grade. The Commission may require further information by Regulation, guideline or as otherwise deemed necessary by the Commission.

In order to comply with the provisions of this Bylaw, each application must be complete as filed, and must comply with the rules set forth herein and Commission regulations. No such application shall be accepted as complete before all permits, variances, and approvals required by the Bylaws of the Town with respect to the proposed activity, at the time of such Notice, have been applied for or obtained. Such application shall also include any information submitted in connection with such permits, variances and approvals which is necessary to describe the effect of the proposed activity on the resource areas.

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Chapter 178-5

Hearings

A. Combination with State Law Hearing

The said Commission in its discretion, may hear any oral presentation under this Bylaw at the same public hearing required to be held under the provisions of Chapter 131, Section 40, of the Massachusetts General Laws. Notice of the time and place of such hearing(s) shall be given as required below.

B. Notice

Notice of the time and place of the hearing shall be given at the applicant's expense, not less than seven (7) calendar days prior to the public hearing, by publication in a newspaper of general circulation in North Andover, and by mailing a copy of such notice to all land owners within 300 feet of the land on which the work is proposed. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed by street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the notice, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of the action or relief requested, if any. All continuances beyond one (1) month require the same notice.

C. Proof

The applicant shall have the burden of proving a preponderance of the credible evidence that the activity proposed in the Notice of Intent will not cause significant harm to any of the interests and values sought to be protected by this Bylaw. Failure to provide to the Commission adequate evidence for it to determine that the proposed activity does not cause such significant harm shall be sufficient cause for the Commission to deny permission or to grant such permission with such conditions as it deems reasonable, necessary or desirable to carry out the purpose of this Bylaw; or to postpone or continue the hearing to another date certain to enable the applicant and others to present additional evidence, upon such terms and conditions as seems to the Commission to be just.

Due consideration shall be given to possible effects of the proposal on all interests and values to be protected under this Bylaw and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

D. Continuances

If the Commission determines that additional information is necessary, the hearing may be continued to a future date for as many hearings as it may deem necessary. Continuances on hearings on Requests for Determination may only be granted by the applicant.

E. Investigations

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The Commission, its agents, officers and employees, may enter upon privately owned land for the purpose of carrying out its duties under this Bylaw and make or cause to be made such examination or survey as deemed necessary.

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Chapter 178-6

Order and Decisions

A. All Decisions and Orders

If the Commission shall determine that the proposed activity does not require the imposition of conditions to preserve and protect the interests of this Bylaw, the applicant shall be so notified in writing.

If, after the hearing, the Commission shall determine that the proposed activity is significant to one or more interests and values of this Bylaw, the Commission may vote to issue written Orders of Conditions within 21 days of the close of the public hearing. The Commission may impose such conditions, safeguards and limitations on time and use upon such activity as it deems necessary to protect those interests.

The Commission may prohibit such activity altogether, in the event that it finds the interests and values of this Bylaw cannot be preserved and protected by the imposition of such conditions, safeguards or limitations.

B. Security to Assure Performance

The Commission may, as part of its Order of Conditions, require, in addition to any security by any other Town or State Board, Commission, agency or officer, that the performance and observance of the conditions, safeguards and limitations imposed under this Bylaw on the applicant and owner be secured by one, or both, of the methods described in the following clauses:

1. By deposit of money sufficient in the opinion of the Commission to secure performance of the conditions and observance of the safeguards of such Order of Condition. Such security, if filed or deposited, shall be approved as to form and manner of execution by Town Counsel or the Town Treasurer, and/or
2. By a conservation restriction, easement, or other covenant running with the land, executed and properly recorded (or registered, in case of registered land).

C. Duration of Orders

All Orders of Conditions shall expire three (3) years after the date of issuance, unless renewed prior to their expiration. An Order of Conditions may be renewed for a period of up to one (1) year upon the request of the applicant. No activity governed by an Order of Conditions shall be carried on unless and until all permits, approvals and variances required by the Bylaws of the Town shall have been obtained, such Orders of Conditions or notification shall have been recorded or registered at the Essex North District Registry of Deeds or in the North Essex District of the Land Court Department and until all applicable appeal periods have expired. The Commission shall have the right to record or register its Order of Conditions with said Registry or Registry District. In the event that an Order of

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Conditions issued pursuant to this Bylaw is identical to a final Order of Conditions issued pursuant to the provisions of M.G.L. Chapter 131, Section 40, only one such Order need be recorded or registered.

D. Amendments

The Commission shall have the power, on it own motion or upon the petition of any person interested, to amend any such Order of Conditions after notice to all persons interested and a public hearing.

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Chapter 178-7

Certificates of Compliance

The Commission shall, upon receiving a written request therefore and weather permitting, inspect the resource areas where the activity governed by an Order of Conditions was carried out and issue a Certificate of Compliance to the owner of the property in a form suitable for recording or registering, if it shall determine that all of the activity or activities, or portions thereof, limited thereby have been completed in accord with said Order.

Chapter 178-8

Responsibility for Compliance

After recording of a notice of violation or order at the Registry of Deeds by the Commission, any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any order issued under the Bylaw shall forthwith comply with any such Order or restore such land to its conditions prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such real estate was acquired by such person.

Chapter 178-9

Rules and Regulations

The Commission shall be empowered to establish Rules and Regulations to govern its affairs, including but not limited to fees, definitions, use of consultants, and such other information which it deems necessary to discharge its responsibilities. After due notice and public hearing, the Commission may promulgate such rules and regulations to effectuate the purposes of this Bylaw, by a majority vote of the duly appointed members.

Failure by the Commission to promulgate such rules and regulations; or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

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Chapter 178-10

Enforcement, Investigations & Violations

In accord with the provisions of M.G.L. Chapter 40 , Section 21D and 31 as well as every other authority and power that may hereafter be conferred upon it, the Town may enforce the provisions of this Bylaw, restrain violations thereof and seek injunctions and judgments to secure compliance with its Order of Conditions. Without limiting the generality of the foregoing:

A. Any person who violates any provision of this Bylaw or of any condition or a permit issue pursuant to it may be punished by a fine pursuant to Massachusetts General Laws, Chapter 40, Section 21. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense.

This Bylaw may be enforced pursuant to Massachusetts General Laws, Chapter 40, Section 21D, by a Town police officer, other persons having police powers, Conservation Commissioner or the Conservation Administrator.

In accordance with Chapter 40, Section 21D, violators may, at the discretion of the enforcement authorities, be charged a penalty. The penalties for violations of this Bylaw shall be assessed as follows:

<u>Violation</u>	<u>Penalty</u>
Alteration of 1 - 1,000 sq.ft. of wetland	\$ 50.00
Alteration of 1,001 - 2,000 sq.ft. of wetland	\$100.00
Alteration of 2,001 - 3,000 sq.ft. of wetland	\$200.00
Alteration of greater than 3,000 sq.ft. of wetland	\$300.00
Depositing any refuse, debris, yard waste or construction material in a wetland or water body	\$300.00
Alteration of any stream or water body	\$300.00
Any violation of any section of this Bylaw that occurs in the Lake Cochichewick Watershed	\$300.00

B. In the event of a violation of this Bylaw or of any order issued thereunder, the Commission or its agents may issue a stop order to the owner, the applicant or agent by certified mail, return receipt requested, or by posting the same in a conspicuous location on said site. Any person who shall violate the provisions of a stop order shall be deemed in violation of the Bylaw; but the failure of the Commission to issue a stop order for any reason shall not prevent the Town from pursuing any other legal remedy at law or in equity to restrain violations of this Bylaw and to secure compliance with its order.

C. The Town shall be the beneficiary of all fines imposed on account of the violation of this Bylaw in order to defray the expense of enforcing the same.

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D. Upon request of the Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this Bylaw and permits issued pursuant to it.

E. Upon recommendation of the Commission, the Board of Selectmen may employ Special Counsel to assist the Commission in carrying out the legal aspects, duties and requirements of this Bylaw.

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Chapter 178-11

Consultant Services Account

[Amended 5-3-93, Art. 69.]

Upon receipt of a permit application, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area value, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

The Commission may require the payment of the consultant fee at any point in its delineation prior to a final decision. The applicant shall pay the fee to the town to be put into a consultant services account of the Commission which may be drawn upon the Commission for specific consultant services approved by the Commission at one of its public meetings.

The exercise of discretion by the Commission in making its determination to require the payment of a fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for making an objective decision.

The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decided at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

<u>Project Cost</u>	<u>Maximum Fee</u>
Up to \$ 500,000	\$ 2,500
\$ 500,000 - \$1,000,000	\$ 5,000
\$1,000,001 - \$1,500,000	\$ 7,500
\$1,500,001 - \$2,000,000	\$10,000

The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities within resource areas protected by this Bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs shall not avoid the payment of the consultant fee.

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The maximum fee required under this authority will be \$10,000 per project. The specific consultant services will be limited to review of drainage analysis, storm water management, water quality, wetland delineation, wildlife habitat evaluation, and erosion control measures. These services will only be required when the applicant and the Commission cannot come to mutual agreement on a critical issue which requires technical knowledge or expertise not available to the Commission. The determining use of these funds will be reviewed and approved based on the specific need for outside consultation by the Director of the Division of Planning & Community Development.

Chapter 178-12 **Captions and Severability**

The captions used herein are for convenience only and are expressly intended to have no legal or binding significance. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions or decisions which have been previously become final.